



PATENT APPLICATION  
Docket No.: 12160.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Roland N. Walker et al.	)
Serial No.:	10/672,415	)
Filed:	September 26, 2003	)
For:	METHODS AND SYSTEMS FOR PROVIDING AN IMAGE ON AN ORGANIC PRODUCT	)

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that examination of the above-referenced patent application be advanced out of turn and that prosecution be performed in an expedited manner. Applicants believe all claims are directed to a single invention and will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. Applicants submit this written Petition to Make Special in conformance with 37 C.F.R. § 1.102(d), along with the appropriate fee as set forth in 37 C.F.R. § 1.17(h).

Applicants have caused to be made a careful and thorough pre-examination search of the prior art. This search was performed by a professional search firm under the direction of Noreen

A. Fabean. The search was conducted for United States patented art in Class 427, Subclass 4,

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Class 428, Subclass 24, Class 283, Subclass 117 and Class 47 Subclass 1.01R. A copy of each potentially relevant reference discovered in this search is provided for your review.

The following is a list of references that were discovered in the above-identified pre-examination search. Each of the references will be individually discussed in greater detail below:

<http://www.acay.com.au/~severn/handmade.htm>

6,180,914

6,172,328

5,424,141

5,305,550

A Form PTO-1449 citing the above-identified references has been included for the convenience of the Examiner.

#### Nature of the Present Invention

The present invention relates to systems and methods for providing an image on an item. More particular, the present invention relates to systems and methods for providing an image, such as one or more characters, symbols, pictures and/or designs, onto an organic product, such as a plant, flower, fruit or portion thereof.

Implementation of the present invention takes place in association with at least a portion of an organic product, such as a portion of a flower, plant, or fruit. An image is provided and printed on the portion of the organic product to provide a communication to the recipient. The image may include feelings of expression, such as the words "I Love You," "Congratulations," "Thank You," "I'm Sorry," "Merry Christmas," or "Happy Birthday." Alternatively, the image may be a logo of a company and optionally may include a particular number of years that the recipient has worked for the company. As such, the printing on the organic product individualizes the product.

In one implementation, the image that is to be printed onto an organic product, such as a flower, is photo-etched into a photosensitive material of a cliché, such as a printing plate or plane, by the use of a film positive. Ink is then applied to the cliché and a transfer medium is pressed onto the cliché in order to lift ink from the image area of the cliché and create a negative image on the transfer medium. The medium is used to transfer the inked image onto an organic product, such as a flower petal or leaf. The transferred image is then allowed to dry so as to remain on the flower petal or leaf and may be used to communicate a message to and/or individualize the gift for the intended recipient.

While the methods and processes of the present invention are particularly useful in the floricultural industry, those skilled in the art can appreciate that the methods and processes can be used in a variety of different applications and in a variety of different areas of manufacture to yield printing on organic products or on portions thereof.

These and other features and advantages of the present invention will be set forth or will become more fully apparent in the description that follows and in the appended claims. The features and advantages may be realized and obtained by means of the instruments and combinations particularly pointed out in the appended claims. Furthermore, the features and advantages of the invention may be learned by the practice of the invention or will be obvious from the description, as set forth hereinafter.

### Detailed Discussion of the Prior Art References in Light of the Present Invention

The prior art references are listed above and discussed in reverse chronological order.

*Internet Website printed December 18, 2002*  
<http://www.acay.com.au/~severn/handmade.htm>

The Internet website <http://www.acay.com.au/~severn/handmade.htm> printed December 18, 2002 (hereinafter "Internet reference") discloses paper with high organic content.

The present invention is readily distinguishable from the teachings of the Internet reference. Indeed, independent claim 1 of the present invention relates to a method for providing an image on an organic product in which an image is created on a transfer medium and transferred onto an organic product. Similarly, independent claim 16 relates to a system for providing an image on an organic product comprising a portion of an organic product, a transfer medium and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product. As the Internet reference neither discloses nor suggests a method for creating an image on a transfer medium that transfers an image onto an organic product or a system comprising an image on a transfer medium that is used to provide a transferred image onto an organic product, the Internet reference clearly does not anticipate nor render obvious independent claims 1 and 16 of the present application. Moreover, as claims 2-10 add further limitations to independent claim 1 and as claims 17-20 add further limitations to independent claim 16, the Internet reference neither anticipates nor renders obvious the remaining claims of the present application.

*United States Patent No. 6,180,914 to Jones et al.*

United States Patent No. 6,180,914 issued on January 30, 2001 to Jones et al. (hereinafter "Jones") discloses a method and system for etching, cutting and/or altering the surface of a flower, plant, cut foliage, or foliage incorporated into consumable products such as cigars with

laser energy to affect a desired artistic or utilitarian design or marking on the foliage/cigar. The invention includes the products produced by such method.

The present invention is readily distinguishable from the teachings of Jones. Indeed, independent claim 1 of the present invention relates to a method for providing an image on an organic product in which an image is created on a transfer medium and transferred onto an organic product. Similarly, independent claim 16 relates to a system for providing an image on an organic product comprising a portion of an organic product, a transfer medium and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product. As Jones neither discloses nor suggests a method for creating an image on a transfer medium that transfers an image onto an organic product or a system comprising an image on a transfer medium that is used to provide a transferred image onto an organic product, Jones clearly does not anticipate nor render obvious independent claims 1 and 16 of the present application. Moreover, as claims 2-10 add further limitations to independent claim 1 and as claims 17-20 add further limitations to independent claim 16, Jones neither anticipates nor renders obvious the remaining claims of the present application.

*United States Patent No. 6,172,328 to Jones et al.*

United States Patent No. 6,172,328 issued on January 9, 2001 to Jones et al. (hereinafter the “328 Patent”) discloses methods for etching, cutting and/or altering, the surface of a flower, plant, cut foliage, or foliage incorporated into consumable products such as cigars (hereinafter referred to as foliage, leaf, or product) with computer controlled laser energy to affect a desired artistic or utility design or marking on the foliage. The laser energy source is operative to provide an optical beam having power and optical wave length characteristics effective to thermally disrupt plant tissue to produce a permanent mark on the foliage surface or, alternatively, cut

through the foliage. Additionally, methods are provided for the automatic transfer of leaves stacked in a container into the laser marking/cutting field and for depositing said leaves in a separate container after processing by laser. A method is described that provides for rapid, safe, and accurate manual placement of a leaf into a laser marking/cutting system. A method is provided for efficiently storing multiple designs in a database from which an individual design can be recalled by an operator and implemented by the system. A method for quality control of the process is provided through machine vision inspection of the leaf prior to and after laser processing. A method is included for providing designers with the hardware and software tools needed to develop new product designs and translate these designs into efficient formats for use by production equipment.

The present invention is readily distinguishable from the teachings of the '328 patent. Indeed, independent claim 1 of the present invention relates to a method for providing an image on an organic product in which an image is created on a transfer medium and transferred onto an organic product. Similarly, independent claim 16 relates to a system for providing an image on an organic product comprising a portion of an organic product, a transfer medium and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product. As the '328 patent neither discloses nor suggests a method for creating an image on a transfer medium that transfers an image onto an organic product or a system comprising an image on a transfer medium that is used to provide a transferred image onto an organic product, the '328 patent clearly does not anticipate nor render obvious independent claims 1 and 16 of the present application. Moreover, as claims 2-10 add further limitations to independent claim 1 and as claims 17-20 add further limitations to

independent claim 16, the '328 patent neither anticipates nor renders obvious the remaining claims of the present application.

*United States Patent No. 5,424,141 to Croner*

United States Patent No. 5,424,141 issued on June 13, 1995 to Croner (hereinafter "Croner") discloses processes for transfer of design and kit therefore that are easily used to transfer images on objects, including fine materials such as silk. The recipient materials remain pliable. Kits containing components for use in the processes of the invention may be prepared for use with any transfer materials. Fabric that has been decorated by the processes of the invention can be sewed, washed, and dried without releasing the image transferred thereto.

The present invention is readily distinguishable from the teachings of Croner. Indeed, independent claim 1 of the present invention relates to a method for providing an image on an organic product in which an image is created on a transfer medium and transferred onto an organic product. Similarly, independent claim 16 relates to a system for providing an image on an organic product comprising a portion of an organic product, a transfer medium and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product. As Croner neither discloses nor suggests a method for creating an image on a transfer medium that transfers an image onto an organic product or a system comprising an image on a transfer medium that is used to provide a transferred image onto an organic product, Croner clearly does not anticipate nor render obvious independent claims 1 and 16 of the present application. Moreover, as claims 2-10 add further limitations to independent claim 1 and as claims 17-20 add further limitations to independent claim 16, Croner neither anticipates nor renders obvious the remaining claims of the present application.

*United States Patent No. 5,305,550 to Skonecki*

United States Patent No. 5,305,550 issued on April 26, 1994 to Skonecki (hereinafter "Skonecki") discloses a fresh natural flower, such as a rose, with a personalized message or drawing inscribed on one of its petals. The message or drawing is applied by an applicator, such as a pen containing an opaque pigmented oil-based paint. The paint preferably includes a gold or silver metallic pigment and xylene.

The present invention is readily distinguishable from the teachings of Skonecki. Indeed, independent claim 1 of the present invention relates to a method for providing an image on an organic product in which an image is created on a transfer medium and transferred onto an organic product. Similarly, independent claim 16 relates to a system for providing an image on an organic product comprising a portion of an organic product, a transfer medium and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product. As Skonecki neither discloses nor suggests a method for creating an image on a transfer medium that transfers an image onto an organic product or a system comprising an image on a transfer medium that is used to provide a transferred image onto an organic product, Skonecki clearly does not anticipate nor render obvious independent claims 1 and 16 of the present application. Moreover, as claims 2-10 add further limitations to independent claim 1 and as claims 17-20 add further limitations to independent claim 16, Skonecki neither anticipates nor renders obvious the remaining claims of the present application.

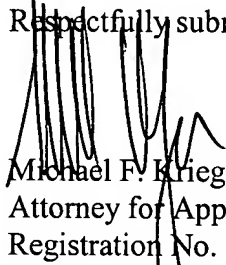


### Summary and Conclusion

In light of the foregoing, Applicants respectfully submit that the claims of the present invention contain limitations that are neither disclosed nor rendered obvious by the relevant references discovered in the pre-examination search. The unique combination of features or elements presented in the present invention are not found in any of the prior art references. Applicants therefore respectfully submit that the present invention is patentable over the prior art references.

DATED this 12 day of December, 2003.

Respectfully submitted,



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